

FEDERAL COMMUNICATION COMMISSION

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In the Matter of)
Implementation of Section 255 of the) WT Dkt. No 96-198
Telecommunications Act of 1966)
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COMMENTS OF

Thomas D. Benziger, Chairperson of
Illinois Deaf and Hard of Hearing Commission

Introduction

On behalf of Illinois Deaf and Hard of Hearing Commission I am pleased to submit these comments and thoughts to the Federal Communications Commission on its Proposed Section 255 rules. There are 102 counties in our state, Illinois, and our population of approximately 11.4 million people. Out of 11.4 million, there are 155,984 Deaf, 830,664 Hard of Hearing, and 412,200 Developmental Disabilities who may have some hearing loss (Information is based on the United States Census - 1990 and Illinois Census 1994). Not one county has **no** Deaf, Hard of Hearing or Developmental Disabilities. There are more Deaf, Hard of Hearing and Developmental Disabilities living in large cities such as Metropolitan Chicago, Rockford., and Springfield. There are good number of Deaf, Hard of Hearing, and Developmental Disabilities living in rural areas such as smallest County, Pope with a population of 4,343. And out of 4,343, 59 Deaf, 316 Hard of Hearing, and 157 Developmental Disabilities. Are they getting equal communication access as the ones from the large cities?

We applaud the FCC for issuing proposed rules to implement Section 255 of the Telecommunications Act of 1996. Increased access to telecommunications equipment is critical to expanding employment, educations, and recreational opportunities for individuals who are deaf, hard of hearing, Deaf-Blind and developmental disabilities.. We urge the FCC to adopt the suggestions contained in these comments to so that our needs are fully considered in the design, development, fabrication of telecommunications products and services Telecommunication access are very important to us because we need to have equal access to telecommunication, the need to expand Pay phone TDDs in public places, public transportation facilities including airports and train stations, also near interstate highways in case of emergencies. Anywhere, we go, we usually see a bank of telephones in public places and absolutely no TTYs anywhere close by. General speaking of the most of the airports/terminals and railroad stations, the only TTY available is often so far away from the public places and often are not in working conditions. Without having the access to public phones in time of crisis or accidents, we are always facing frustrations in terms of getting assistance.

Another area, I think it is important to bring your attention to this matter regarding software that requires sound cards, what benefits does this have to offer Deaf and Hard of hearing computer

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users. Are we required to have sound card installed in our computers just to have this educational software that offers 3-D dimension?

Adoption of Access Board Guidelines

We strongly urge the Commission to adopt the Section 255 guidelines which were issued by the Architectural and Transportation Barriers Compliance Board on February 3, 1998. Congress had given the Access Board the primary authority to draft these guidelines apply to equipment manufactures, we recommend that the FCC apply these as well to services providers. The guidelines are comprehensive and are the product of the Telecommunication Access Advisory Committee, which consisted of representatives from both consumer and industry organization. In addition to the guidelines on achieving accessibility, we especially urge the FCC to adopt and enforce the following for both service providers and equipment manufacturer:

- Where market research on products or services is performed, individual with disabilities should be included in the populations researched;
- Where products design trials and pilot demonstrations are conducted, individuals with disabilities should be included in these activities;
- Reasonable efforts should be made to validate access solutions though testing with individuals with disabilities or related organizations;
- Manufactures and services providers should be required to provide access to product and services information and documentation on products and services and their accessibility features, including information contained in user and installation guides. To the extend that such information is made available to the general public use, it should be made available in accessible formats or modes upon request, at no extra charge. Manufactures should also include the name and contact means for obtaining documents about (1) accessibility features and (2) how to obtain documents in alternate formats, in general product information. Additionally, customer\ and technical support provided at call and service cents should be accessible by people with disabilities. For people who are deaf or hard of hearing, captioning on video cassettes containing product instructions, direct TTY access to customer service lines, text transcription for audio output on Internet postings, and automated TTY response system that detect whether a caller is using voice or TTY and which enable the caller to complete the call in an accessible format should be used to comply with these access requirements;
- The Access Board guidelines make clear that in addition to covering new product, Section 255 covers existing products that "undergo substantial change or upgrade, or for which new releases are distributed," The changes to which this statement refers are those that affect the functionality of the product, rather than cosmetic changes. It is critical for both manufacturers and services providers to consider disability access as they make substantial changes or upgrades to their

public offerings;

- The Access Board's guidelines do not permit manufacturers to make changes that reduce access to products. This is intended to ensure that individuals with disabilities are not forgotten, as improvements and upgrades to products and services are performed. It is critical for the FCC to adopt this guidelines so that individuals with disabilities are not treated as second class consumers. Although we do not want to stifle innovation, we want to ensure that where improvements are made to products and services, the access function will be maintained, While we understand that the form of achieving access may need to change, there must be some assurance that some means of effective access continues to be available;
- The Access Board's guidelines set forth certain technical standards for compatibility with specialized customer premises equipment, including compatibility with TTYs and hearing aid compatible telephones. These, too, should be adopted in the FCC's final rules.
- The FCC's proposed rules say that software will be covered only if the software is included with a telecommunications product. If it is marketed separately, the FCC has proposed that it not be covered by Section 255. We oppose this interpretation of Section 255. Rather , so long as software has functions that are integral to the provision of telecommunications, it should be covered under the FCC's new rules. This would be consistent with the Access Board guidelines which cover software, hardware, or firmware that are integral to telecommunications and CPE equipment, as well as functions and features built into products and those provided from a remote server over a network.

Universal Design

We support the FCC's decision to require an assessment of accessibility and compatibility for each product. This is what Section 255 requires, and as stated in the Access Board guidelines, the assessment as to whether access can be achieved "cannot be bypassed simply because another product is already accessible." Rather, the goal of Section 255 is to achieve, where readily achievable, universal design for as many disabilities as possible. Only if that is not achievable, then is it reasonable to view the overall accessibility of the provider's products or services to determine how other functionally similar products and services can be made accessible.

Enhanced Services

We are deeply concerned that enhanced services may not be covered under the FCC's new rules. The Telecommunications Act of 1996 emphasized the need to bring all the citizens of our country the benefits of advanced telecommunications technologies. The purpose of Section 255 was to ensure that this objective would be achieve for individuals with disabilities. This objective will be defeated if we are only provided with access to little more than basic telephone services. Voice mail, interactive telephone prompt systems, and Internet telephone have already

become mainstream services and are critical to successfully participating and competing in our society., These services must be made accessible if the true intent of Section 255 - to achieve universal telecommunications access - is to be realized.

Readily Achievable Determination

Under Section 255, manufactures must make their products accessible or compatible if it is readily achievable to do so. The "readily achievable" language is from the American with Disability Act (ADA) and involves a balancing of the nature and cost of including an access feature with the overall financial resources of the covered entity (and the resources of its parent corporation, where applicable). We accept the FCC's suggestion that technical feasibility also may be considered in determining whether access to a product or services can be achieved. However, we **oppose** considering the extent to which an accessible product can be marketed (when compared to inaccessible products and the extent to which the cost of providing access will be recovered, in readily achievable determinations. These are not permissible factors under the ADA, and should not be included in a readily achievable analysis under Section 255.

Complaint Process

We are confused by the FCC's proposed complaint process, and in particular are uncertain as to when an individual has the right to move from the "fast Track" to the "informal" or "formal" complaint processes, or when a complaint would be moved to an alternative dispute resolution process. We request clarification of these points in the final rules, so that consumers may fully understand the means available to seek redress under Section 255. Additionally, we adamantly oppose a rule that would require consumers to first receive approval from the FCC before being permitted to bring a formal FCC complaint. This is not a requirement for other formal complaints brought before the Commission and appears to be discriminatory against individuals with disabilities.

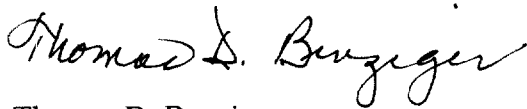
We do support the following FCC proposals concerning consumers complaints:

- There should be no filing fees for informal or formal complaints, and fees that currently exist for filing complaints against common carriers should be waived for complaints brought under Section 255. Waiving these fees would be in the public interest.
- There should not be any time limit for filing complaints, because one never knows when he or she will discover that a product or services is inaccessible.
- Consumers with disabilities should be able to submit complaints by any accessible means available.
- Manufactures and services providers should be required to establish contact points in their companies that are accessible to consumers with disabilities.

Conclusion

We thank the FCC for the opportunity to submit these comments and urge the FCC to act promptly in issuing rules that will fully ensure telecommunications access by individuals with disabilities.

Respectfully submitted,

A handwritten signature in black ink that reads "Thomas D. Benziger". The signature is written in a cursive style with a large, stylized 'T' and 'B'.

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ILLINOIS CENSUS 1994, COUNTY, COUNTY SEAT - DEAF, H.H., BLIND, WHEELCHAIR and DEV. DISABLED PER COUNTY

	A	B	C	D	E	F	G	H	I	J
1	COUNTY	COUNTY SEAT	POPULATION	PRE-VOC DEAF	POST-VOC DEAF	PRE-VOC H.H.	POST-VOC H.H.	BLIND	WHEELCHAIR	DEV. DISABLED
2										
3	ADAMS	QUINCY	66,090	275	627	1,214	3,589	52	570	2,383
4	ALEXANDER	CAIRO	10,626	44	101	195	577	8	92	383
5	BOND	GREENVILLE	14,991	62	142	275	814	12	129	541
6	BOONE	BELVIDERE	30,806	28	292	566	1,573	24	266	1,111
7	BROWN	MT. STERLING	5,836	24	55	107	317	5	50	210
8	BUREAU	PRINCETON	35,688	148	339	656	1,938	28	308	1,287
9	CALHOUN	HARDIN	5,322	22	50	98	289	4	46	192
10	CARROLL	MT. CARROLL	16,805	70	159	309	913	13	145	606
11	CASS	VIRGINIA	13,437	56	127	247	730	11	116	485
12	CHAMPAIGN	URBANA	73,025	720	1,641	3,179	9,395	135	1,492	6,239
13	CHRISTIAN	TAYLORVILLE	34,418	143	326	632	1,869	27	297	1,241
14	CLARK	MARSHALL	15,921	66	151	292	865	12	137	574
15	CLAY	LOUISVILLE	14,460	60	137	266	785	11	125	521
16	CLINTON	CARLYLE	33,944	141	322	624	1,843	27	293	1,224
17	COLES	CHARLESTON	51,644	215	490	949	2,804	40	445	1,862
18	COOK	CHICAGO	5,105,067	21,237	48,428	93,783	277,205	4,002	44,023	184,095
19	CRAWFORD	ROBINSON	19,464	81	185	358	1,057	15	168	702
20	CUMBERLAND	TOLEDO	10,670	44	101	196	579	8	92	385
21	DEKALB	SYCAMORE	77,932	324	739	1,432	4,232	61	672	2,810
22	DEWITT	CLINTON	16,516	69	157	303	897	13	142	596
23	DOUGLAS	TUSCOLA	19,464	81	185	358	1,057	15	168	702
24	DU PAGE	WHEATON	781,666	3,252	7,415	14,360	42,444	613	6,741	28,188
25	EDGAR	PARIS	19,595	82	186	360	1,064	15	169	707
26	EDWARDS	ALBION	7,440	31	71	137	404	6	64	268
27	EFFINGHAM	EFFINGHAM	31,704	132	301	582	1,722	25	273	1,143
28	FAYETTE	VANDALA	20,893	87	198	384	1,134	16	180	753
29	FORD	PAXTON	14,275	59	135	262	775	11	123	515
30	FRANKLIN	BENTON	40,319	168	382	741	2,189	32	348	1,454
31	FULTON	LEWISTOWN	38,080	158	361	700	2,068	30	328	1,373
32	GALLATIN	SHAWNEETOWN	6,909	29	66	127	375	5	60	249
33	GREENE	CARROLLTON	15,317	64	145	281	832	12	132	552
34	GRUNDY	MORRIS	32,337	135	307	594	1,756	25	279	1,166
35	HAMILTON	MCLEANSBORO	8,499	35	81	156	461	7	73	306
36	HANCOCK	CARTHAGE	21,373	89	203	393	1,161	17	184	771

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ILLINOIS CENSUS 1994, COUNTY, COUNTY SEAT - DEAF, H.H., BLIND, WHEELCHAIR and DEV. DISABLED PER COUNTY

	A	B	C	D	E	F	G	H	I	J
37	HARDIN	ELIZABETHTOWN	5,189	22	49	95	282	4	45	187
38	HENDERSON	OQUAWKA	8,096	34	77	149	440	6	70	292
39	HENRY	CAMBRIDGE	51,159	213	485	940	2,778	40	441	1,845
40	IROQUOIS	WATSEKA	30,787	128	292	566	1,672	24	265	1,110
41	JACKSON	MURPHYBORO	61,067	254	579	1,122	3,316	48	527	2,202
42	JASPER	NEWTON	10,609	44	101	195	576	8	91	383
43	JEFFERSON	MT. VERNON	37,020	154	351	680	2,010	29	319	1,335
44	JERSEY	JERSEYVILLE	20,539	85	195	377	1,115	16	177	741
45	JO DAVIESS	GALENA	21,821	91	207	401	1,185	17	188	787
46	JOHNSON	VIENNA	11,347	47	108	208	616	9	98	409
47	KANE	GENEVA	317,471	1,321	3,012	5,832	17,239	249	2,738	11,446
48	KANKAKEE	KANKAKEE	96,255	400	913	1,768	5,227	75	830	3,471
49	KENDALL	YORKVILLE	39,413	164	374	724	2,140	31	340	1,421
50	KNOX	GALESBURG	56,393	235	535	1,036	3,062	44	486	2,034
51	LAKE	WAUKEGAN	516,418	2,148	4,899	9,487	28,041	405	4,453	18,623
52	LASALLE	OTTAWA	106,913	445	1,014	1,964	5,805	84	922	3,855
53	LAWRENCE	LAWRENCEVILLE	15,972	66	152	293	867	13	138	576
54	LEE	DIXON	34,392	143	326	632	1,867	27	297	1,240
55	LIVINGSTON	PONTIAC	39,302	163	373	722	2,134	31	339	1,417
56	LOGAN	LINCOLN	30,798	128	292	566	1,672	24	266	1,111
57	MCDONOUGH	MACOMB	35,244	147	334	647	1,914	28	304	1,271
58	McHENRY	WOODSTOCK	183,241	762	1,738	3,366	9,950	144	1,580	6,608
59	McLEAN	BLOOMINGTON	129,180	537	1,225	2,373	7,014	101	1,114	4,658
60	MACON	DECATUR	117,206	488	1,112	2,153	6,364	92	1,011	4,227
61	MACOUPIN	CARLINVILLE	47,679	198	452	876	2,589	37	411	1,719
62	MADISON	EDWARDSVILLE	249,238	1,037	2,364	4,579	13,534	195	2,149	8,988
63	MARION	SALEM	41,561	173	394	763	2,257	33	358	1,499
64	MARSHALL	LACON	12,846	53	122	236	698	10	111	463
65	MASON	HAVANA	16,269	68	154	299	883	13	140	587
66	MASSAC	METROPOLIS	14,752	61	140	271	801	12	127	532
67	MENARD	PETERSBURG	11,146	46	106	205	605	9	96	402
68	MERCER	ALEDO	17,290	72	164	318	939	14	149	623
69	MONROE	WATERLOO	22,422	93	213	412	1,218	18	193	809
70	MONTGOMERY	HILLSBORO	30,728	128	291	564	1,669	24	265	1,108
71	MORGAN	JACKSONVILLE	36,397	151	345	669	1,976	29	314	1,313
72	MOULTRIE	SULLIVAN	13,930	58	132	256	756	11	120	502

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	A	B	C	D	E	F	G	H	I	J
73	OGLE	OREGON	45,957	191	436	844	2,495	36	396	1,657
74	PEORIA	PEORIA	182,827	761	1,734	3,359	9,928	143	1,577	6,593
75	PERRY	PINCKNEYVILLE	21,412	89	203	393	1,163	17	185	772
76	PIATT	MONTICELLO	15,548	65	147	286	844	12	134	561
77	PIKE	PITTSFIELD	17,577	73	167	323	954	14	152	634
78	POPE	GOLCONDA	4,343	18	41	80	236	3	37	157
79	PULASKI	MOUND CITY	7,523	31	71	138	408	6	65	271
80	PUTNAN	HENNEPIN	5,730	24	54	105	311	4	49	207
81	RANDOLPH	CHESTER	34,583	144	328	635	1,878	27	298	1,247
82	RICHLAND	OLNEY	16,545	69	157	304	898	13	143	597
83	ROCK ISLAND	ROCK ISLAND	148,723	619	1,411	2,732	8,076	117	1,282	5,363
84	ST. CLAIR	BELLEVILLE	262,852	1,093	2,493	4,829	14,273	206	2,267	9,479
85	SALINE	HARRISBURG	26,551	110	252	488	1,442	21	229	957
86	SANGAMON	SPRINGFIELD	178,386	742	1,692	3,277	9,686	140	1,538	6,433
87	SCHUYLER	RUSHVILLE	7,498	31	71	138	407	6	65	270
88	SCOTT	WINCHESTER	5,644	23	54	104	306	4	49	204
89	SHELBY	SHELBYVILLE	22,261	93	211	409	1,209	17	192	803
90	STARK	TOULON	6,534	27	62	120	355	5	56	236
91	STEPHENSON	FREEPORT	48,052	200	456	883	2,609	38	414	1,733
92	TAEWELL	PEKIN	123,692	515	1,173	2,272	6,716	97	1,067	4,460
93	UNION	JONESBORO	17,619	73	167	324	957	14	152	635
94	VERMILION	DANVILLE	88,257	367	837	1,621	4,792	69	761	3,183
95	WABASH	MT. CARMEL	13,111	55	124	241	712	10	113	473
96	WARREN	MONMOUTH	19,181	80	182	352	1,042	15	165	692
97	WASHINGTON	NASHVILLE	14,965	62	142	275	813	12	129	540
98	WAYNE	FAIRFIELD	17,241	72	164	317	936	14	149	622
99	WHITE	CARMI	16,522	69	157	304	897	13	142	596
100	WHITESIDE	MORRISON	60,186	250	571	1,106	3,268	47	519	2,170
101	WILL	JOLIET	357,313	1,486	3,390	6,564	19,402	280	3,081	12,885
102	WILLIAMSON	MARION	57,733	240	548	1,061	3,135	45	498	2,082
103	WINNEBAGO	ROCKFORD	252,913	1,052	2,399	4,646	13,733	198	2,181	9,120
104	WOODFORD	EUREKA	32,653	136	310	600	1,773	26	282	1,178
105										
106										
107										
108	TOTALS		11,430,555	47,551	108,433	209,985	620,679	8,960	98,569	412,200

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